

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FILED
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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JOSE R. LEYVA, and
(Ct. 1)**

**ONTARIO M. YARBROUGH,
(Cts. 1, 2, 3, 4 and 5)**

Defendants.

CASE NO.

JUDGE

INDICTMENT

**18 U.S.C. § 924(c)(1)(A)(i)
21 U.S.C. §§ 841(a)(1),
841(b)(1)(A)(vi), 841(b)(1)(C), 846
and 856**

FORFEITURE ALLEGATION

THE GRAND JURY CHARGES:

COUNT 1

(Conspiracy to Distribute and to Possess with Intent to Distribute Fentanyl)

1. From on or about April 12, 2023 to on or about October 18, 2023, in the Southern District of Ohio and elsewhere, the defendants, **JOSE R. LEYVA**, and **ONTARIO M. YARBROUGH**, did knowingly, intentionally, and unlawfully conspire with each other and others, both known and unknown to the Grand Jury, to distribute and to possess with intent to distribute 400 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (commonly known as “fentanyl”), a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(vi) and 846.

COUNT 2

(Possession with Intent to Distribute Fentanyl)

2. On or about October 13, 2023, in the Southern District of Ohio, defendant **ONTARIO M. YABROUGH** did knowingly and intentionally possess with the intent to distribute 400 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (commonly known as “fentanyl”), a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(vi).

COUNT 3

(Possession with Intent to Distribute Cocaine)

3. On or about October 13, 2023, in the Southern District of Ohio, defendant **ONTARIO M. YABROUGH** did knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

COUNT 4

(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

4. On or about October 13, 2023, in the Southern District of Ohio, defendant **ONTARIO M. YARBROUGH** did knowingly possess two firearms, that is, a Glock pistol, bearing serial number AHTH414, and an Anderson Manufacturing, AM-15, multi caliber pistol, bearing serial number 21034234, in

furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute and possess with the intent to distribute fentanyl, a Schedule II controlled substance, as charged in Count 1 of this Indictment, possession with intent to distribute fentanyl, a Schedule II controlled substance, as charged in Count 2 of this Indictment, possession with intent to distribute cocaine, a Schedule II controlled substance, as charged in Count 3 of this Indictment, and maintaining a drug premises, as charged in Count ⁶ of this Indictment. ₅

In violation of 18 U.S.C. § 924(c)(1)(A)(i).

COUNT 5
(Maintaining a Drug Premises)

5. From on or about September 3, 2023 to on or about October 13, 2023, in the Southern District of Ohio, defendant **ONTARIO M. YARBROUGH** did knowingly and intentionally open, lease, rent, use and maintain a place, located at XXX S. Burgess Ave., Columbus, Ohio, for the purpose of manufacturing, distributing, and using controlled substances.

In violation of 21 U.S.C. §§ 856(a)(1) and (b).

FORFEITURE ALLEGATION A

6. The allegations contained in this Indictment are hereby re-alleged and incorporated here by reference for the purpose of alleging forfeitures to the United States of America.

7. Upon conviction of any of the offenses alleged in this Indictment, defendant **JOSE R. LEYVA** shall forfeit to the United States, in accordance with 21 U.S.C. § 853(a)(1) and (2), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violation, including, but not limited to, the following property seized from defendant **JOSE R. LEYVA's** residence located at 8043 North 29th Drive, Phoenix, Arizona:

- A Taurus model PT 100P, .40 caliber pistol, bearing serial number SGX14101;
- A Springfield, model XD-M, 9mm pistol, bearing serial number MG767710;
- Assorted magazines and ammunition; and
- Approximately \$2,005.00 in United States Currency.

Forfeiture notice pursuant to 28 U.S.C. § 2461(c), 21 U.S.C. § 853(a)(1) and (2), and Rule 32.2 of the Federal Rules of Criminal Procedure.

FORFEITURE ALLEGATION B

8. The allegations contained in this Indictment are hereby re-alleged and incorporated here by reference for the purpose of alleging forfeitures to the United States of America.

9. Upon conviction of any of the offenses alleged in this Indictment, defendant **ONTARIO M. YABROUGH** shall forfeit to the United States:

- a. in accordance with 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in or used in such offense, and
- b. in accordance with 21 U.S.C. § 853(a)(1) and (2), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violation,

including, but not limited to, the following property seized from a residence occupied by defendant **ONTARIO M. YARBROUGH** located at 334 South Burgess Avenue, Columbus, Ohio:

- A Glock pistol, bearing serial number AHTH414;
- An Anderson Manufacturing, AM-15, multi caliber pistol, bearing serial number 21034234,
- Assorted magazines and ammunition; and
- Approximately \$2,417.00 in United States Currency.

Forfeiture notice pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C.

§ 2461(c), 21 U.S.C. § 853(a)(1) and (2), and Rule 32.2 of the Federal Rules of Criminal Procedure.

s/Foreperson

Foreperson

KENNETH L. PARKER
UNITED STATES ATTORNEY



DAMOUN DELAVIZ (PA 309631)
Assistant United States Attorney